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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) NO. CR 15-0376 MMC
14 Plaintiff,) [FILED JULY 21, 2015]
15 v.)
16 HENRY LO,)
17 Defendant.)
18

19 UNITED STATES OF AMERICA,) NO. CR 14-0442 WHO
20 Plaintiff,) [FILED AUGUST 19, 2014]
21 v.) **NOTICE OF RELATED CASES**
22 HENRY LO,)
23 Defendant.)
24

25 The United States of America, pursuant to Local Criminal Rule 8-1, hereby notifies the Court
26 that the two above-captioned cases are related. Henry LO, the defendant named in the Indictment in
27 case number CR 14-0442 WHO (originally filed on August 19, 2014), has now been named as a
28 defendant in a new criminal case, *United States v. Henry Lo*, CR 15-0376 MMC, which was filed on

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1 July 21, 2015, and is now pending before the Honorable Maxine M. Chesney.

2 The Indictment in the new criminal case numbered CR 15-0376 MMC (attached hereto as
 3 Exhibit 1) alleges in Count One that LO committed contempt of court by violating Magistrate Judge
 4 Jacqueline S. Corley's Temporary Protective Order in a civil case pending in this District, *Square 1*
 5 *Bank v. Lo et al.*, CV 12-05595 JSC. It also alleges in Counts Two through Nine that LO perpetrated a
 6 bank fraud scheme in 2014 and 2015, which scheme continued after he was indicted in case number CR
 7 14-0442 WHO. The 2015 Indictment further alleges in Count Ten that LO committed aggravated
 8 identity theft during and in relation to one of the charged instances of bank fraud, and that his
 9 commission of certain bank fraud offenses and the aggravated identity theft offense constituted
 10 contempt of court (as alleged in Count Eleven). Finally, the Indictment in case CR 15-0376 MMC
 11 alleges in Counts Twelve and Thirteen that LO engaged in illegal monetary transactions with the
 12 proceeds from the bank fraud offenses.

13 The earlier criminal case numbered CR 14-0442 WHO related to the defendant LO's scheme to
 14 defraud the company Absolutely New, Inc. ("ANI"), as well as a scheme to defraud an individual
 15 identified in the original Indictment as "A.W." *See Ex. 2* (Indictment). ANI was LO's former employer
 16 and a co-defendant of LO in the *Square 1 Bank v. Lo et al.* litigation referred to above.

17 Based on these facts, the two cases are related because they "concern one or more of the same
 18 defendants and the same alleged events, occurrences, transactions or property." Crim. L.R. 8-1(b)(1).
 19 This is because Count One of the 2015 Indictment (the contempt charge related to LO's violation of
 20 Judge Corley's Temporary Protective Order) relates to LO's earlier scheme to defraud ANI and his
 21 subsequent efforts to shield his assets from ANI's secured lender, Square 1 Bank.

22 The two cases are also related under Criminal Local Rule 8-1(b)(2) because "[b]oth actions
 23 appear likely to entail substantial duplication of labor if heard by different Judges or might create
 24 conflicts and unnecessary expenses if conducted before different Judges." This is because Judge Orrick
 25 is already familiar with most or all of the significant facts related to the 2015 Indictment because those
 26 facts were put before him in some detail during the sentencing proceedings in case number CR 14-0442
 27 WHO.

28 Per the requirement of Local Criminal Rule 8-1(c)(4), government counsel states that assignment

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1 of these cases to a single judge is likely to conserve judicial resources and promote an efficient
2 determination of each action.

3 The defendant LO is currently in the custody of the Bureau of Prisons or U.S. Marshals Service.
4 The government is taking steps to have LO returned to this District to appear on the new charges.

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6 DATED: July 21, 2015

Respectfully submitted,

7 MELINDA HAAG
8 United States Attorney

9 /s/

10 KYLE F. WALDINGER
11 Assistant United States Attorney

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